

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

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In re:

HOLLISTER CONSTRUCTION SERVICES, LLC,¹

Liquidating Debtor.

Chapter 11

Case No. 19-27439 (MBK)

**ORDER GRANTING MOTION FOR ORDER (I) ENFORCING CONFIRMATION
ORDER AGAINST BRENDAN MURRAY, (II) ENFORCING SETTLEMENT
AGREEMENT BY AND BETWEEN HOLLISTER'S MEMBERS AGAINST BRENDAN
MURRAY, (III) DETERMINING THAT STATE COURT LITIGATION VIOLATES
PLAN AND CONFIRMATION ORDER, AND (IV) GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through and including three (3), is
hereby **ORDERED**.

¹ The Liquidating Debtor in this chapter 11 case and the last four digits of its taxpayer identification number is:
Hollister Construction Services, LLC (5404).

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Debtor: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: *Order Granting Motion For Order (I) Enforcing Confirmation Order Against Brendan Murray, (II) Enforcing Settlement Agreement By and Between Hollister's Members Against Brendan Murray, (III) Determining That State Court Litigation Violates Plan and Confirmation Order, and (IV) Granting Related Relief*

THIS MATTER having been opened to the Court upon the Motion of Christopher Johnson, a former member of Hollister Construction Services, LLC, the above-captioned liquidating debtor ("Hollister" or the "Debtor") seeking the entry of an order (i) enforcing the Confirmation Order against Brendan Murray, (ii) enforcing a settlement agreement by and between Hollister's Members against Brendan Murray, (iii) determining that the State Court Litigation violates the Plan and Confirmation Order and (iv) granting related relief (the "Motion")²; and the Court having considered the Motion and any objections filed thereto, and the Court having jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334, the Standing Order of Reference to the Bankruptcy Court Under Title 11 of the United States District Court for the District of New Jersey, dated September 18, 2012 (Simandle, C.J.), Article X of the Plan and paragraph of the Confirmation Order; and venue being proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409; and the Motion determined to be a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having determined that granting the relief requested in the Motion is in the best interests of the Debtor, its estate and creditors; and the Court having conducted a hearing on the Motion, at which time the Court heard and considered all oral argument of counsel; and good and sufficient notice of the Motion having been provided to all interested parties, and for good cause shown,

IT IS HEREBY ORDERED as follows:

1. The Motion is **GRANTED** as set forth herein.

² Capitalized terms not defined in this Order shall have the meaning ascribed to them in the Motion, the Confirmation Order or the Plan.

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Debtors: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: *Order Granting Motion For Order (I) Enforcing Confirmation Order Against Brendan Murray, (II) Enforcing Settlement Agreement By and Between Hollister's Members Against Brendan Murray, (III) Determining That State Court Litigation Violates Plan and Confirmation Order, and (IV) Granting Related Relief*

2. In accordance with the Confirmation Order and the Plan, the Members' Settlement by and between Hollister's Members, is in full force and effect and precludes the State Court Litigation filed by Brendan Murray.

3. The State Court Litigation filed by Brendan Murray violates the Plan and Confirmation Order.

4. In accordance with the Confirmation Order and the Plan, Brendan Murray is estopped, enjoined and precluded from pursuing the State Court Litigation.

5. Christopher Johnson is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

6. Sanctions against Brendan Murray are awarded in the amount of \$ ____.

7. Notice of the Motion as provided therein shall be deemed good and sufficient notice of the Motion and no further notice is required.

8. This Order shall be effective immediately upon its entry and the stay imposed by Bankruptcy Rule 6004(h) and/or 6006(b) or any other Rule is hereby waived.

9. The requirement set forth in Local Rule 9013-1(a)(3) that any motion be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Motion or otherwise waived.

10. The Court shall retain exclusive jurisdiction to hear and decide any and all disputes or issues related to or arising from the implementation, interpretation or enforcement of this Order.